

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROGER GUYTON,

Petitioner,

No. CIV S-05-0436 DFL DAD P

vs.

M. McKNOWLES, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On May 25, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. On June 8, 2005, petitioner was granted an extension of time to July 5, 2005, in which to file objections. Petitioner's objections were timely filed on June 28, 2005.

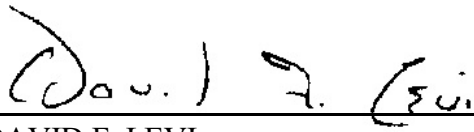
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. In his objections, petitioner requests that this action be dismissed without prejudice, as recommended by the magistrate judge. Having

1 carefully reviewed the entire file, the court finds the findings and recommendations to be  
2 supported by the record and by proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed May 25, 2005, are adopted in full;  
5 2. This action is summarily dismissed because it plainly appears from the face of  
6 the habeas petition that petitioner is not entitled to federal habeas corpus relief; and  
7 3. Dismissal is without prejudice to the filing of a civil rights action.

8 DATED: 7/22/2005

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12 DAVID F. LEVI  
13 United States District Judge  
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